

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,  
Plaintiff,

v.

URBAN MEDITERRANEAN,  
Defendant.

Case No. 21-cv-08020-SK

**SECOND ORDER OF CONDITIONAL  
DISMISSAL**

Regarding Docket Nos. 22

On January 1, 2022, Plaintiff informed the Court that the parties had reached a settlement of this case. (Dkt. 17.) The Court entered an Order of Conditional Dismissal (Dkt. 18); however, Plaintiff subsequently moved for reopen the case (Dkt. 19) and the Court granted the request (Dkt. 20). Plaintiff now advises the Court for a second time that the parties have reached a settlement of this case and that Plaintiff expects to file a dismissal with prejudice within sixty days. (Dkt. 22.) All parties have consented to the jurisdiction of a magistrate judge pursuant to 28 U.S.C. § 636. (Dkts. 6, 16.) Therefore, **IT IS HEREBY ORDERED** that this cause of action is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this Court, within sixty days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial. If no certification is filed, after passage of sixty days, the dismissal shall be **with** prejudice.

**IT IS SO ORDERED.**

Dated: March 14, 2022



SALLIE KIM  
United States Magistrate Judge